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Attorneys for Defendant
PATRICK DONAHOE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SHIRLEY MAHONEY,

Plaintiff,

v.

PATRICK DONAHOE, Postmaster General,
United States Postal Service,

Defendant.

No. C 11-00177 MEJ

**STIPULATION AND ~~PROPOSED~~
ORDER RE EMOTIONAL DISTRESS**

Subject to the approval of the Court, the parties hereby stipulate as follows:

The only emotional distress Plaintiff will assert and seek damages for in this action is “garden variety” emotional distress, meaning the emotional distress which an ordinary person subjected to similar circumstances would experience. Plaintiff is not bringing, and will not bring, a cause of action for intentional or negligent infliction of emotional distress; is not making, and will not make, an allegation of a specific mental or psychiatric injury or disorder, including

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but not limited to PTSD or nightmares; is not bringing, and will not bring, a claim of unusually severe emotional distress; will not offer any expert testimony, medical records, or evidence of her mental health treatment to support a claim of emotional distress; concedes that her mental condition is not "in controversy" within the meaning of Fed. R. Civ. P. 35(a); and is not making, and will not make, an allegation of ongoing mental or emotional distress or illness.

As a result, Defendant will not seek discovery of any health care records concerning Plaintiff's emotional distress, mental health, or mental health treatment; will not seek to depose any of Plaintiff's health care providers concerning Plaintiff's emotional distress, mental health, or mental health treatment; and will not seek to conduct an independent mental examination of Plaintiff under Fed. R. Civ. P. 35. Apart from those limitations, Defendant is permitted to conduct any and all other discovery, including but not limited to deposing Plaintiff and others, regarding the extent, nature and cause(s) of Plaintiff's emotional distress.

DATED: 10-20-12

By: 

SHIRLEY MAHONEY
Plaintiff In Pro Per

MELINDA HAAG
United States Attorney

DATED: 10/22/12

By: 

NEILL T. TSENG
Assistant United States Attorney
Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: October 23, 2012


HONORABLE MARIA-ELENA JAMES
UNITED STATES CHIEF MAGISTRATE JUDGE